

IN THE UNITED STATES DISTRICT COURT FOR
THE Middle DISTRICT OF TENNESSEE
AT Nashville

RECEIVED

JUN 13 2024

US DISTRICT COURT
MID DIST TENN

David Hamilton,)

_____,)

_____,)

PLAINTIFF,)

VS. Tennessee Department of Correction)

Grady Perry, Warden T. DOC, CCA)

James Frankis, Internal Affairs TDOE, CCA)

Corrections Corporation of America)

Captain Brown (female), TDOC, CCA)

DEFENDANT (S))

CIVIL ACTION NO. _____

COMPLAINT FOR VIOLATION OF CIVIL RIGHTS UNDER
42 U.S.C. ' 1983

I. Previous Lawsuits:

A. Have you begun other lawsuits in State or Federal court dealing with the same facts involved in this action or otherwise relating to your imprisonment?

YES ___ NO ✓

B. If your answer to A is "Yes"; describe each lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuit on another piece of paper, using the same outline).

1. Parties to this previous lawsuit:

Plaintiffs: _____

Defendants: _____

2. Court (if Federal Court, name the District; if State Court Name the County): _____

3. Docket Number: _____

4. Name of Judge whom case was assigned : _____

5. Disposition (for example; Was the case dismissed? Was it Appealed ? Is it still pending?) _____

6. Approximate date of filing lawsuit: _____

7. Approximate date of disposition: _____

II. Place of Present Confinement: River Bend Maximum Security Institution

A. Is there a prisoner grievance procedure in this Institution? YES ☒ NO ☐

B. Did you present the facts relating to your complaint in the Prison Grievance Procedure? YES ☒ NO ☐

C. If your answer is "YES":

1. What steps did you take? I Filed A Grievance

2. What was the result? It was Appealed to Warden then Commissioner who denied claims

Also 2nd Grievance was Denied Advancement do to Prison's Failure to return in timely manner but charges Against me were drop do to grievance And Additional investigation

D. If your answer is "NO", explain why not:

III. Parties:

(In item A place your full name and address. Do the same for additional plaintiffs, if any. In item B below, place the full name of the Defendant in the blank marked B and his Official Position and place of Employment. Do the same for additional Defendants, if any).

A. Name of Plaintiff: David Hamilton 488085
Address: 7475 Cockrill Bend Blvd
Nashville, TN 37209
Additional Plaintiffs: _____

B. Name of Defendant: Grady Perry (Warden)

Address: Warden South Central Correctional Facility.

Additional Defendants: L. James Franks
I.A./STG Officer South Central Correctional Facility. Additional Defendant: Captain Brown (Female) South Central Correctional Facility. Additional Defendants: Corrections Corporation's of America Additional Defendant: Tennessee Department of Corrections (Riverbend Maximum Security Facility)

IV. Statement of Claim:

State here as briefly as possible the **facts** of your case. Describe how each Defendant is involved. Include also the names of other persons involved, date, and places. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. All 3 claims set forth in chronological order

While working in the kitchen At South Central Correctional Facility I was Asked to step outside by Prison Captain Clark And the Chief of Security they Accused Me of Fitting the description of someone whod just committed An Assault After informing them that I had been At work the whole time Captain Clark revealed I was Actually only targeted because he remembered Me From 2 year's Ago in the hole. After placing My hands on the wall Warden Grady Perry Appeared And punched Me in the back of the head CAUSING My face to smash into the wall cut My Face I Asked "what Are you doing" while still Assuming protocol with My hands on wall in front of Me the FEMALE Captain Brown pulled out her MACE FREEZE+P At which point Warden Grady Perry told her "spray his Ass" which she complied, upon being hit with the highly irritant spray I flailed Around trying to breath And see And ESCAPE what seemed like ESCALATION, I was subsequently slammed to ground beaten on My Ankle bone with metal cuffs And risk, hair pulled by Warden Grady Perry while they sprayed MACE directly in my nostril then I was taken to Medical took in An Exam room And sprayed in my Posterior by I.A./STG OFFICER JAMES FRANKS while being punched in FACE I recieve zero Medical

Attention AS I was being Escorted to the hole I was verbally berated And spit on by Captain Brown which Along with several other officer's I cant identify proclaimed it was For Counselor^{RAY} A woman whom Assaulted^{ME} March, 18, 2023 by throwing A radio through A glass window causing it to send several glass shard's into my face causing injury this is documented she quit same^{day} without reprimand. After being striped of All my cloth's I WAS walked to intake in nothing but underwear put on A bus And Transferred to RMSI where I immediately reported Physical Assault by First Warden And had injuries documented by RMSI STG Coordinator Spyers At which point I Also reported Sexual Assault of having pants yanked down And Sprayed in Posterior I WAS told report to nurse whom failed to report incident period, I WAS then purposely because of incident Placed in An (Hardened) Iron cell/Punishment cell witch had Feces cramed in every window of cell unable to turn off light day or night no electrical plgs, 2 flush every 30 minute 1 30 minute phone call A Month And Placed in SuperMAX for 4 months no disciplinary period. I Also First reported (SA) to outside Sexual Assault center who's At Rachel Jackson building And got street detectives involved. All this was on camera Except when they took me in the Dark Medical Exam Room And MADE All the nurses step into A office until it was over I AGAIN received zero medical attention. I was sent to Central Correctional Facility (Corporations Correction of America) Nor bu Riverbend Maximum Security Facility (T DOC)

As result of this incident I have blurred vision A permanent Facial SCAR have taken bowel Movement Aid pills For A year, lost All My 17 years of personal property And Stress About Sex Ass, Constantly Affecting how I'm viewed As A man And treated, targeted.

V. Relief:

1. I would like to be Awarded \$1 million unlawful confinement, \$3 million in Damages • Corrections Corporation of America And Tennessee Department of Corrections For Shipping ME in Only UnderWEAR losing All my property Failing to Comply with policy pertaining to sexual assault and Retaliation Assault.
2. 1 million For being punched in the back of the head which caused My face to bash into concrete wall where I had properly placed my hands For pat down And cuffing protocol per prison policy which Warden Grady Perry of SCCF Perpetrated this specific Assault And Also punched my hair, permanently severed my face.
3. \$500,000 of 3 million For being wrongfully sprayed First by Captain Brown (female) without provocation or reason 2nd At the Direction of Warden Grady Perry of SCCF An Unknown officer sprayed MACE directly up my nostrils As my neck was yanked by pulling of my hair while in cuffs And having ankles beaten with leg irons.
4. 1 million of \$3 million for being taken into Medical exam room in dark while repeatedly being punched in face by unknown person while James Frank I. A/STG of S.C.C.F. yanked my pants down And sprayed MACE in my posterior After that I was spit on by Captain Brown of SCCF stripped of all my cloths and stuff in nothing but boxers to R.M.S.I
5. \$500,000 For R.M.S.I (TDOC) Nurse For Failure to report (TREA) upon Arrival nor report Assault Period, ALSO For R.M.S.I (TDOC) Retaliatory Actions upon Arrival Placing ME in A Punishment cell/Hardened Cell over 60 days without disciplinary yet still For over 4 months I was housed with supermax inmates And treated as such Hardened Cell had human feces all over it max inmate throwing poop on ME.

I (We) hereby certify under penalty of perjury that the above petition is true to the best of my (our) information, knowledge and belief.

Signed this MAY day of 28, 2024.

David Hamilton
R.M.S.I
7475 Cockrill bend Blvd
Nashville, Tn 37209

(Signature and address of Plaintiff (s))

IN THE UNITED STATES DISTRICT COURT
FOR THE Middle DISTRICT OF TENNESSEE
Nashville DIVISION

QUESTIONNAIRE FOR PRISONERS PROCEEDING
PRO SE UNDER 42 U.S.C. ' 1983

David Hamilton,)

_____,)

_____,)

PLAINTIFF,)

VS.)

CIVIL ACTION NO. _____

Grady Perry, Warden CCA, TDOC)

JAMES FRANKS (I.A. STG CO) CCA, TDOC)

(Captain) Brown (FEMALE CCA, TDOC))

CCA, TDOC)

DEFENDANT (S))

I. GENERAL INFORMATION

1. Your full name and prison number(s): David Hamilton
2. Name and location of prison where you are now confined: River Bend Maximum Security Institution 7475 Cockrill Bend Blvd Nashville, TN 37209
3. Sentence you are now serving (how long?): 35 years
 - (a) What were you convicted of? 2nd Degree Murder, Especially Agg/Rob Intro into Facility, Drugs in Schoolzone
 - (b) Name and location of court which imposed sentence: Criminal Courtroom 2 Memphis At Shelby Co. TN 38103
 - (c) When was sentence imposed? 5/4/2011
 - (d) Did you appeal your sentence and/or conviction? _____ Yes ☒ No
 - (e) What was the result of your appeal? _____
 - (f) Approximate date your sentence will be completed: 2-21-2042

II. PREVIOUS LAWSUITS

4. Other than the appeal of your conviction or sentence, have you ever submitted a lawsuit for filing in any federal or state court dealing with the SAME FACTS involved in this lawsuit or otherwise related to your imprisonment? Yes ☒ No

5. If your answer to question 4 is "yes," list that lawsuit below, giving the following information: (IF YOU HAVE FILED MORE THAN ONE LAWSUIT, LIST OTHER LAWSUITS ON A SEPARATE SHEET OF PAPER, GIVING THE SAME INFORMATION FOR EACH.)

(a) Parties to the previous lawsuit:

Plaintiff(s): _____

Defendant(s): _____

(b) Name of Court: _____

(c) Docket Number: _____ When did you file this lawsuit? _____

(d) Name of judge assigned to case: _____

(e) Is this case still pending? _____ Yes _____ No

(f) If your answer to (e) is "No," when was it disposed of and what were the results?

(DID YOU WIN? WAS THE CASE DISMISSED? DID YOU APPEAL?) _____

III. EXHAUSTION OF ADMINISTRATIVE REMEDIES

6. Where are you now confined? River Bend Maximum Security Institution

(a) How long have you been at this institution? 1 year

(b) Does this institution have a grievance procedure? ☒ Yes _____ No

(c) If your answer to question 6(b) is "Yes," answer the following:

(1) Did you present your complaint(s) herein to the institution as a grievance?

☒ Yes _____ No

(2) What was the result? 1. Denied but one was handed

from further Advancement do to time lapse And
procedural confusion. At level 2. REFER TO EXHIBITS (A) & (B).

(d) If your answer to question 6(b) is "No," explain why not: _____

(e) What, if anything, have you done to bring your complaint(s) to the attention of Prison Officials? Give dates and places and the names of persons talked to: On 4-28-

2023 upon my Arrival I wrote Grievances, Call 9555

SEXUAL ASSAULT Center, Inform Phych Doctor, Medical Warden Keys

7. In what other institutions have you been confined? Give dates of entry and exit. Warden Pound Filed PR at Phych Doctor is Claire Chestnut, Counselor Karen Cornelius

South Central 2011-2012 West High 2012-2013 Morgan Co.

Correction 2013-2015 Northwest-2015-2016 West High 2016-2017

Whiteville 2012-2012 Morgan Co. Correction 2018-2019 West High

2019-2020 South Central 2020-2022 West High 22-2023 Morgan Co 2023

South Central 2023 RMS 2023

VI. PARTIES TO THIS LAWSUIT

8. List the name and address of each plaintiff in this lawsuit.

David Hamilton

RMSI

7475 Cochran Bend Blvd

Nashville, TN 37209

9. List the full name, the official position, and the place of employment of each defendant in this lawsuit. (ATTACH ADDITIONAL PAGES IF NECESSARY)

Tennessee Department of Corrections (Housed Facility
During Incident) Riverbend Maximum Security

Grad Perry Warden South Central Correctional
Facility

James Franks T.A. STG Officer of
South Central Correctional Facility

Brown (Female) Captain
South Central Correctional Facility

Corrections Corporation of
America (Housed Facility During
Incident) South Central Correctional Facility

V. STATEMENT OF CLAIM

10. In the space hereafter provided, and on separate sheets of paper, if necessary, set forth your claims and contentions against the defendant(s) you have named herein. Tell the court **WHAT** you contend happened to you, **WHEN** the incident(s) you complain about occurred, **WHERE** the incident(s) took place, **HOW** your constitutional rights were violated, and **WHO** violated them. Describe how each defendant was involved, including the names of other persons who were also involved. If you have more than one claim, number and set forth each claim **SEPARATELY**.

Do not give any legal argument or cite any cases or statutes at this time; if such is needed at a later time, the court will advise you of this and will afford you sufficient time to make such arguments. KEEP IN MIND THAT RULE 8 OF THE FEDERAL RULES OF CIVIL PROCEDURE **REQUIRES** THAT PLEADINGS BE **SIMPLE**, **CONCISE**, AND **DIRECT**. If the court needs additional information from you, you will be notified.

Where did the incident you are complaining about occur? That is, at what institution or institutions?

South Central Correctional Facility, Riverbend Maximum Security Facility.
When do you allege this incident took place? 4-28-2023

What happened? On 4-28-23 I was summoned outside the Cafeteria which was my work area I was after stepping outside accosted about a incident I had nothing to do with but was told I fit description After further conversation it was revealed I infact wasn't pulled out to talk because of description but because Captain Clark Sect falsely recognized me from 2 years prior in segregation At which point I tried to re-enter workplace (cafeteria) but was told by Unit Manager VanDyke place hands on wall After submitting to pat search policy/protocol I was punched/elbowed in the back of my head by Warden Grady Perry of South Central Correctional

What Happend ?

Statement of claim

Facility) A Corrections Corporation of America Facility. I confused turnt my head to recognize it was Warden Grady Perry As he still had elbow pressed into the back of my neck I asked "what Are you doing" At which point (Female) Captain Brown Asked Warden Grady Perry "Do you want me to spray his Ass" to which he replied yes And so she did so At his behest, As the spray took Affect burning my freshly open facial scrapes Already swollen, it Also Attacked My oxygen I began running, Flailing, And pushed At people I couldn't see blinded from spray I was then tackled to ground where I was beaten on Camera in front of chow hall like A ragdoll while I layed stomach down screaming I surrender they continuously beat My Ankle bone with leg iron's And once my hands were cuffed I was sprayed up My nostrill why Warden Grady Perry

yanked me head up by my hair
Assisting Officer's while I said
"I couldn't breathe" Warden Grady
Perry stated "you're a tough guy you
can take more", I was then literally
dragged to medical taken into an
Medical Exam Room which was
already dark I, A/STG Officer
James Franks South Central
Correctional Facility ushered nurses
into an office I was then pushed
into exam room face first into
exam chair immediately they
started punching me in my face
on either side I, A, STG Officer
James Franks yanked my pants down
partially and sprayed Mace/pepper spray
between my posterior and
genitals After that assault while
being walked up the back hallway
I, A, STG Officer Franks, James
told (Female) Captain Brown spit
on me which she did saying
"that's for Ray" referring to
a female counselor who on

March 18, 2023 Assaulted me by throwing a radio threw a glass window busting it sending glass shards into my face because of her husband who is also a Corrections Corporation of America employee at South Central Correctional Facility, she his wife was allowed to walkout and quit job without reprimand and was rehired after my assault and transfer. After spitting on me I was striped of all clothing except underwear which 20 minutes later I was transferred in to River Bend Maximum Security Facility. I upon arrival reported assault and (PREA assault to STG officer Spyer's who took pictures of injuries apparently visible to eyes at time, he then informed me as per policy to report PREA to charge nurse, upon her arrival I reported sexual nature of assault she instead

of documenting Account only pretended to document Account And only wrote 3 or 4 the (At AS code) up and down paper. I was then still in only underwear was walked to Supermax housing placed in pod with Supermax inmates in A punishment cell/ Hardened Cell that had human Feces cramed into window grate windows And All cracks And corner's of cell, I First call the Rachel Jackson building Sexual Assault line 4-29-23 And gave A full detail report of incident which is still documented in they're system I reported cell condition's And Assault's to Phychiatrist Claire Chestnut of RiverDend Maximum Security Facility who documented cell Condition's reported it And WAS told I was specifically placed in punishment Cell by Warden Michael Keys due to incident At previous Facility An incident

till this day I was never
charged with period At Any
point in time which is why
After being held on SuperMAX
with no writeup For 4 months
I was released to General
Population At River Bend
Maximum Security to the
Medium/minimum restrict
housing Area.

11. List the name and address of every person you believe was a **WITNESS** to the incident(s) you complain about, **BRIEFLY** stating what you believe each person knows from having seen or heard what happened.

(USE ADDITIONAL SHEETS, IF NECESSARY)

Tennessee Department of Correction
Camera System Unit Manager Van Dyke Southcentral
Correctional Facility Claire Chestnut River Bend Maximum
Security Facility, SPYERS STG Co-ordinator (River Bend Maximum Security Facility)
KAREN E. CORNELIUS, Counselor River Bend Maximum Security

12. **BRIEFLY** state exactly what you want the court to do for you. That is, what kind of relief are you seeking in this lawsuit? Do not make any legal arguments and do not cite any cases or statutes.

(USE ADDITIONAL SHEETS, IF NECESSARY)

I'm seeking First An Apology From All
involved Especially River Bend Maximum
Security Facility For Ignoring Sexual Assault
Complaint upon Arrival \$4 Million in Financial
Damages For loss of All 17 years of property, BEATEN

13. You may attach additional pages if you wish to make any legal argument. However, legal arguments are NOT required in order for you to obtain relief under '1983. If the court desires legal argument from you, it will request it. If any defendant presents a legal argument, you will be afforded an opportunity to respond thereto.

14. **KEEP IN MIND THAT ONCE YOUR LAWSUIT IS FILED, THE COURT WILL REQUIRE YOU TO DILIGENTLY PROSECUTE IT.** That mean you will be required to go forward with your case without delay. Thus, if you fail to adequately prepare your case before you file it, you may find your lawsuit dismissed for failure to prosecute if you take no action once it is filed. YOU WILL RECEIVE NO FURTHER INSTRUCTIONS FROM THE COURT TELLING YOU WHAT TO DO OR HOW TO DO IT. IT IS YOUR RESPONSIBILITY AND YOURS ALONE TO PROSECUTE YOUR OWN CASE. If you fail to prosecute your case, it will be dismissed under Rule 41 of the *Federal Rules of Civil Procedure*.

Signed this MAY day of 28th, 2024.

David Hamilton
(Signature of Plaintiff)

11.
Additional
sheets

Witness

South Central Correctional -
Facility Unit Manager (VanDyke)
witnessed initial Assault Carried
out or Started by Grady Perry
Warden For Correctional Corporation
of America's South Central Correctional
Facility; this which is what the
beating And Spraying incident in front
of the Cafeteria derived from
initially Also Unit Manager VanDyke
witnessed incident upon Me being
put on Transfer bus As she stood
besides I.A./STG officer James
Frank's taking photos or videos
of Me, James Frank's I.A./STG officer
of South Central Correctional Facility
began cursing Me out berating
Me stating "I'm going to show
everybody how you was crying
like a little bitch", this referring
to Medical Exam Room Assault/
Sexual Assault he Also stated
"I was going to be labeled a
Fagot now my muslims brother's
weren't gonna let me claim

Anything anymore when he got finished", to which in honesty I hurled A Few unkind words of My own towards him, Also these photo's she was taking during the verbal incident while he was beside her were turned over to TBI investigators whom Also investigated PREA Claim reported by sexual Assault Center Employee Ashley At the Rachel Jackson Building Unit Manager VanDyke of South Central Correctional Facility was Also present when (Female) Captain Brown of South Central Correctional Facility without justification sprayed me with Mace/Freeze P in Facial Area while My hands were being crushed Along with My Face into concrete Wall by Grady Perry Warden of South Central Correctional Facility owned by Corrections Corporation of America, this After I Assumed Protocol by Policy. As to Witnesse's of the sexual

Assault the nurses were All ushered into 2 office before they took me into An All Dark Medical Exam Room which is why I Feel Medical wing Camera Footage will Atleast to what I just stated verbatim. Claire Chestnut RiverBend Maximum Security Facility Registered Psychiatrist Saw Feces cramed into window cie! And All over EVERY window on CRACK'S of walls of room C-105 Punishment/Hardened cell in Unit 2 SuperMax building. And she immediately took Action to have me relocated having Already documented (PRA Claim) but she was unsuccessful I Also gave her full Account of Assault

Page Continues

Sexual Assault, River Bend Maximum security STG Officer Spyer's took photo's And witnessed the condition I Arrived in on 4-28-2023 in on gray underwear And significantly swollen facial Area And dark bruises All over my body he STG Spyers of River Bend Maximum security Facility A Tennessee Department of Corrections Facility told me After giving him A brief Summary of Sexual Assault he told me he didnt handle (PREA'S) Prison Rape Elimination Act Claims At Intake it was the Charge nurse I had to report to, As soon As she Arrived I immediately told her I wanted to report A PREA she took other general information but didnt write down nor verbally report PREA when I Asked her name For grievance purpose's I was told it wouldnt be provided (her name) And I didnt need name For A grievance

but the written report on 4-28-2023 entered into My institutional Medical File written by said nurse will prove it happend exactly the way I stated As it pertains to My Attempt to report (PREA CLAIM) to intake charge nurse, Also lastly but Most (importantly) I WAS hendered in My Ability to Obtain First And last name of Defendant's Also potential witnesses do to the Fact I WAS transferred From South Central Correctional Facility A (Correction's Corporation of America Facility) 20 minutes After both Assault's occured this Fact is no exageration, but it seems like ther was A concerted effort to bury this Fact 4-26-2023 WAS 2 day's before incident occured but the Department of Corrections refuse to correct record even though current Facility Riverbend Maximum Security Facility A (Tennessee Department of Corrections) Facility HAVE BEEN

Made Aware of incorrect record
due to grievance And intake Arrival
report's.

Relief Sought

till what I fill till this day,
An inch within losing My life.
Also For being humiliated ~~and~~
As A heterosexual Male having
My behind exposed And Sprayed
which till this day I have
PTSD do to the constant
wonder if A cellphone recording
of Sexual Assault is going to
come out do to I.A./STG Officer
James Franks of (S.C.C.F) Corrections
Corporations of America Facility
telling me he "had me on camera
crying like A little bitch" And I
wasn't going to be Accepted by
Muslim brothers Anymore, Also
For having My face permanently
scarred by being bashed Face First
From behind into A concrete wall
by Warden Grady Perry of S.C.C.F
A Corrections Corporation of
America Facility, he's who initiated
Assault which I feel MADE All
involved Do to Grady Perry being
head Warden of S.C.C.F emboldened

the other culprits to go beyond
the Force needed to subdue Me
And rectify situation because
their boss was Ringleader 'in
not only initiating but Also
escalating A situation that was
clearly under control until he
Arrived and intervened. Lastly
For be placed upon My Arrival
by River Bend Maximum Security
Warden Michael Keys of Tennessee
Department Corrections, in A
Punishment cell smeared with
Feces All over the Hardened/Punishment
cell For over 60 Days And being
treated As A supermax inmate For
Almost 5 months 23/1 hour
recreation, 1 30 minute call
A month And having human
waste threw on Me by Maximum
Security inmates while I was
only Medium with zero disciplinary
For Transfer incident up until
present day 5-22-24. And If
possible sentence reduction/Correction

[illegible]

US DISTRICT COURT
MID DIST TENN

**RMSI MAILROOM
OUTGOING LEGAL**

Office of The Clerk
U.S. District Court
Middle Tennessee
District of Tennessee Clerk
801 Broadway Room 803
Nashville, TN 37203

[Illegible handwritten text]

The Dep. of Corrections/RMSI
HAS P.O. inspected not
certified and is not
responsible for the contents

NAME recipient

broken by
to only be